

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA, :  
:  
v. : CR-00-778 (RJD)  
:  
ANTHONY BLAKE, : June 16, 2004  
:  
Defendant. : Brooklyn, New York  
:  
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TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING  
BEFORE THE HONORABLE RAYMOND J. DEARIE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ROSLYNN R. MAUSKOPF, ESQ.  
UNITED STATES ATTORNEY  
BY: SETH LEVINE, ESQ.  
ASSISTANT U.S. ATTORNEY  
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Brooklyn, New York 11201

For the Defendant: BARRY RHODES, ESQ.

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1           THE CLERK: This is USA versus Anthony Blake,  
2 docket number CR-00-778 s-4. It's on this morning for a  
3 sentence. May I ask the attorneys please to note their  
4 appearance.

5           MR. LEVINE: Seth Levine for the government. Good  
6 morning, your Honor. Again, I'm joined by Spencer Steep  
7 (ui). I would ask that he be allowed to appear with me.

8           THE COURT: Alrighty.

9           MR. RHODES: Barry Rhodes for Antonio Blake. Good  
10 morning, again.

11          THE COURT: Good morning, Mr. Rhodes. Mr. Blake,  
12 good morning. Are we ready to proceed, Mr. Rhodes?

13          MR. RHODES: I believe we are, Judge.

14          THE COURT: Mr. Blake, have you had an adequate  
15 opportunity, Sir, to carefully read the presentence report  
16 and the addendum to the presentence report?

17          THE DEFENDANT: YES.

18          THE COURT: Have you had sufficient time, Sir, to  
19 confer with Mr. Rhodes in preparation for today's  
20 proceedings?

21          THE DEFENDANT: Yes.

22          THE COURT: You will be given an opportunity in  
23 just a couple of minutes to talk to me as is your right.  
24 So, you should feel free to say anything you think is  
25 appropriate.

1 THE DEFENDANT: (Ui) .

2 THE COURT: I'm sorry? You have nothing to say?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Alright, well, I'll give you that  
5 chance nonetheless in just a couple of minutes.

6 My file reflects a presentence report dated March  
7 9<sup>th</sup>. There is, as I just alluded, an addendum dated as of  
8 May 10<sup>th</sup>. That brings -- Okay, we'll get to that in a  
9 moment.

10 I have a letter from Mr. Rhodes dated May 6<sup>th</sup>. I  
11 received a written recommendation, as you know, with my copy  
12 of the report, the original report. I'm going to show that  
13 to you now.

14 I have a copy of the prior defense information. A  
15 copy of the plea agreement and Mr. Levine's letter of June  
16 15<sup>th</sup> as well as a copy of the superseding indictment.

17 I believe with the addendum the only difference  
18 between the Probation Department and the parties is found in  
19 paragraph fifty of the addendum, whereas the Probation  
20 Department believes two points should be awarded Mr. Blake  
21 for acceptance for the reasons stated in Mr. Levine's letter  
22 of June 15<sup>th</sup>.

23 The government is of the view, and I take it the  
24 defense is of like mind, that he should be awarded an  
25 additional point or three -- a reduction of three levels for

1 acceptance.

2 MR. LEVINE: Your Honor, we are of the like mind  
3 and grateful to the prosecutor for pointing out that  
4 problem.

5 THE COURT: Alrighty. That brings us to a level  
6 27 and a range of 100 to 125. This is an 11(1)(c) plea. I  
7 read the materials to which I've alluded and prepared to  
8 accept the parties agreement and impose the agreed to  
9 sentence.

10 But, before we do that, Mr. Rhodes, I will turn it  
11 over to you.

12 MR. RHODES: I find this to be a very sad case,  
13 Judge. And I hope that to be the tenor of my letter of May  
14 6<sup>th</sup>. I'm frustrated and having a big mouth and a bit of a  
15 wise guy, I like to argue for my clients and the agreement  
16 handcuffs him in a situation where I think I could be  
17 eloquent and be persuasive at least for one issue, and that  
18 is as to whether the sentence should be consecutive or  
19 concurrent.

20 The underlying conspiracy for which Mr. Blake is  
21 serving a sentence of seven to fourteen years -- this  
22 conspiracy includes that act in the state court. And in the  
23 ordinary case, without this contract between the government  
24 and Mr. Blake, I'd be able to argue for your Honor's  
25 discretion. But I can't. And there's not much I can say

1 about it.

2 The guidelines come to the same 100 months no  
3 matter how it's sliced. I agree with the government that  
4 the plea contract under 11(1)(c) of the statute be accepted  
5 by your Honor and Mr. Blake be sentenced accordingly.

6 He's been a good client compared to many. His  
7 mother's in court now. He's got a niece in court. His  
8 brother has been highly attentive to court proceedings  
9 although he couldn't come today because of work. They're  
10 all very concerned with him. They want him home as quickly  
11 as possible.

12 He made some mistakes. He hung out with a very  
13 poor group (ui) group and he's paying an awful price as is  
14 his family for his involvement with these people. He is  
15 certainly the least culpable of the group, the least  
16 violent, the least anything. Having said all of that,  
17 Judge, I understand your hands are largely handcuffed just  
18 as are mine.

19 I'm asking for as much lenience as possible for  
20 Mr. Blake.

21 THE COURT: Mr. Levine?

22 MR. LEVIN: Your Honor, the government would  
23 respectfully ask the Court accept this plea. We believe  
24 it's an appropriate disposition both in light of the case  
25 and the guidelines.

1           I certainly diverge with my friend, Mr. Rhodes,  
2 about this being a sad day. This defendant has been charged  
3 with a variety of racketeering activity. His disposition  
4 relating to his participation after the fact in a murder  
5 when put in the context of a consecutive sentence does, we  
6 believe, provide an appropriate sentence and appropriate  
7 justice.

8           We do think that the consecutive sentence is  
9 necessary to make this plea an appropriate disposition in  
10 this matter involving the Bonda (ph) organization, which was  
11 a scourge on this community and in which Mr. Blake  
12 participated.

13           So, I'll respectfully ask the Court to accept the  
14 sentence and impose the 100 months consecutive to the state  
15 court sentence that Mr. Blake is currently serving. Thank  
16 you.

17           THE COURT: One last shot, Mr. Blake. Anything  
18 you'd like to say, Sir?

19           MR. LEVINE: He's asking you if you have anything  
20 to say. He's giving you one last opportunity to speak.

21           THE DEFENDANT: I'm really sorry for the pain that  
22 I caused. A lot of mistake I made in my life. I'm just  
23 trying to get back on the right track.

24           THE COURT: Well, that's the first step, admitting  
25 you made a big mistake. It is a sad day. I mean, you know,

1 not that you don't deserve to be punished and punished  
2 severely but these are not happy occasions no matter what  
3 the circumstances.

4           You mother back there is serving this sentence  
5 with you in her own way. That's sad. You have somebody who  
6 cares about you. The key is to make the best use of this  
7 time so that when you are released, you'll be able to make  
8 it on your own without any of this business.

9           Well, having accepted the parties' agreement which  
10 allows for a sentence -- calls for a sentence that is  
11 significant but far better than might have been otherwise,  
12 I will impose a sentence of 100 months consecutive to the  
13 state sentence now being served. Three years supervised  
14 release. No fine and a \$100 special assessment.

15           MR. LEVINE: Judge, would you please include in  
16 the judgment a request that he be designated to a facility  
17 of the northeast region? His own family is up here.

18           THE COURT: I will be happy to recommend it.

19           MR. LEVINE: Thank you. Are there any outstanding  
20 charges?

21           MR. RHODES: There are, your Honor. The  
22 government would need to discuss them at this time. I would  
23 also --

24           THE COURT: That application is granted. Yes,  
25 Sir?

1           MR. RHODES: I would ask the Court to remind the  
2 defendant that in light of paragraph three of the agreement,  
3 that he's agreed to not file an appeal or otherwise  
4 challenge his conviction in the event the Court accept the  
5 plea agreement.

6           THE COURT: Well, that's what the agreement says.  
7 And the fact that it does is it closes the book. Now,  
8 you'll serve your time. As I say, make the best use of it.  
9 And good luck.

10          ALL: Thank you, your Honor.

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I certify that the foregoing is a correct transcript  
from the electronic sound recording of the proceedings in  
the above-entitled matter.

A handwritten signature in black ink, appearing to read 'EB', with a long horizontal stroke extending to the right.

ELIZABETH BARRON

June 9, 2008